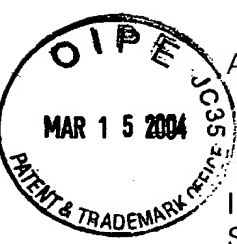


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1637



Attorney's Docket No. 3477.91

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jeffrey L. Wrana
Serial No.: 09/744,167
Filed: September 20, 2001
For: SARA PROTEINS

Examiner: K. Young
Art Unit: 1637

Date: March 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

Sir:

Applicants are responding to the Office Action dated February 13, 2004 issuing a Restriction under 35 U.S.C. § 121 and § 372. The Office Action states that the claims are directed to twelve inventions that are not linked as to form a single general inventive concept under PCT Rule 13.1.

In particular, the Office Action states that restriction practice for a National Stage application is determined under the unity of invention standards and not search burden. It is further stated that the special technical feature that links the inventions has been determined to be SARA protein. However, it is asserted that Tsukazaki et al. (*Cell*, 1998, 95:779-791) discloses SARA; therefore, "the special technical feature of the instant application lacks novelty, and the instant restriction is applied."

Applicants respectfully point out that this National Stage application has a priority date of July 20, 1998; this application claims priority from Canadian application serial No. 2,237,701 (filed July 20, 1998) and Canadian application serial No. 2,253,647 (filed December 10, 1998). Therefore, the Tsukazaki et al. reference is not prior art with respect to this application, and SARA protein is a special technical feature that is novel over the art.

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction.

Nonetheless, as a complete response to the Restriction requires an election, Applicants elect the claims of Group I (claims 1, 2, 4, 6, 7, 8, 11-14 and 16-18) with traverse for the reasons set forth above.

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This application is now in condition for substantive examination, which action is respectfully requested. Applicant does not believe that any fees are due at this time, however, any additional fees may be charged to Deposit Account 50-0220.

Respectfully submitted,


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CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV381446584US Date of Deposit: March 12, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Sarah Brunmeier